



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 13, 2001, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Rodriquez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling
MAYOR Cooper
Absent: COUNCIL MEMBER Henson

Mayor Cooper commented that Council Member Henson was out of State.

PRESENTATION: Pride in Hayward

The Mayor presented the February 2001 Pride in Hayward Awards to the following Eden Gardens homeowners: Marilyn Schwertscharf, Timothy and Daymon Orr, Richard and Linda Love, Yogie and Jessie Ybarra, and, Takako Smith and Lana Largusa. She thanked all these homeowners who make their neighborhood look wonderful.

Business Recognition Award

The February 2001 Business Recognition Award was presented to Buon Appetito Restaurant, located at 917 A Street. Buon Appetito opened for business on November 7, 1999. Lunch and dinner are served every day. Buon Appetito features fine cuisine from northern Italy. Amos Hodgson, Gabriel Oviedo, Ezequiel Sandoval, who is also the manager, and Martin Oviedo, who is also the head chef, own Buon Appetito. The owners wanted to open a restaurant in downtown Hayward to provide a fine dining alternative for people shopping, visiting and doing business in our downtown. The award was presented to the owners of Buon Appetito in recognition of their contribution to Hayward's vitality and economic well being by bringing their fine dining restaurant to our downtown. Mr. Sandoval and Mr. Oviedo thanked Council and said they were pleased to accept the award.

PUBLIC COMMENTS

Ron Barklow, 1210 Tiegen Drive, expressed concern about the height of the railing in the Council Chamber. He said it should be 42 inches all the way around.

Jim Drake, 25795 Franklin Avenue, reiterated his previous concerns related to El Castillito located on Harder Road, in particular to its recent application to sell beer and wine. Mayor

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Cooper noted that staff has been investigating the matter since he brought it to Council's attention at a previous meeting, and will inform them of the results.

Jason Moreno, 25200 Carlos Bee Boulevard, spoke on the City's rent stabilization ordinance.

Perry, no last name provided, 1090 B Street, #130, commented favorably on the news regarding a power plant in Hayward. His interest was in seeing the City become a municipal utility. He submitted a brochure from a Hayward firm that specializes in energy production. He expressed interest in future hearings.

CONSENT

Item 4 was removed for further discussion.

1. Approval of Minutes of the Meeting of February 6, 2001

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried unanimously, with Council Member Henson absent, to approve the Minutes of the Meeting of the City Council of February 6, 2001.

2. Adoption of an Ordinance Regarding Rehabilitation and Replacement of Sidewalks

Staff report submitted by City Clerk Reyes, dated February 13, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried unanimously, with Council Member Henson absent, to adopt the following:

Ordinance No. 01-02, " An Ordinance Adding Sections 7-2.70 through 7-2.83 to Chapter 7, Article 2 of the Hayward Municipal Code Pertaining to the Maintenance and Repair of Sidewalks"

3. Emergency Water Supply Well Pump Station at Old Well No. 9 Site: Approval of Addenda, Award of Contract, and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated February 13, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried unanimously, with Council Member Henson absent, to adopt the following:

Resolution 01-022, "Resolution Approving Addenda Nos. 1 through 4 and Awarding Contract to Conco-West, Inc. for the Emergency Water Supply Well Pump Station at Old Well No. 9 Site, Project No. 7110"



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Resolution 01-023, "Resolution Approving an Increase in Administrative Change Order Amount and Awarding Contract to Vanguard Construction, Inc. for the Construction of Wheelchair Ramps at Various Locations for Project Nos. 5114 and 5120"

4. Foothill Boulevard Median Landscaping - Grove Way to Apple Avenue: Approval of Plans and Specifications and Call for Bids

Staff report submitted Deputy Director of Public Works Bauman, dated February 13, 2001, was filed.

Ron Barklow, 1210 Tiegen Drive, suggested more money should be spent on safety problems on other streets rather than on landscaping the median on Foothill Boulevard.

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried unanimously, with Council Member Henson absent, to adopt the following:

Resolution 01-024, "Resolution Approving the Plans and Specifications for the Foothill Boulevard Median Landscaping - Grove Way to Apple Avenue Project No. 6925, and Call for Bids "

HEARINGS

5. Adoption of a Resolution and Introduction of an Ordinance Related to the Establishment of Underground District No. 25 for Mission Boulevard, from Sycamore Avenue to Harder Road

Staff report submitted by Deputy Director of Public Works Bauman, for February 13, 2001, was filed.

Public Works Director Butler explained that PG&E is experiencing a six-month delay in its services and the potential that monies may not be available for awhile. There was discussion by various members of the Council.

Mayor Cooper opened the public hearing at 8:41 p.m.

John Carey, who owns a business on 25700 Mission Boulevard, expressed concerns that this project could impact his business. He already experiences parking problems and asked whether PG&E provides against loss of business.

Public Works Director Butler responded that he was not aware of any compensation for loss of business by PG&E, although the City tries to limit the amount of area in which the work is done

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so that there is not a great deal of time to impact each individual business.

Mayor Cooper closed the public hearing at 8:44 p.m.

It was moved by Council Member Hilson, seconded by Council Member Rodriguez, and carried unanimously, with Council Member Henson absent, to approve the following:

Ordinance No. 01-____, "An Ordinance Amending Article 4, Chapter 11 of the Hayward Municipal Code by Adding Section 11-4.25 Thereto Relating to Underground District No. 25"

Resolution 01-025, " Resolution to Establish Underground District No. 25 for Mission Boulevard from Sycamore

LEGISLATIVE BUSINESS

6. Authorization for Assignment of Development Agreement Relating to South of Route 92 Business Park (Vesting Tentative Tract 7065) from Hayward Oliver Owners LLC (Owner/Applicant) to Glenborough Realty Trust Incorporated

Staff report submitted by Director of Community and Economic Development Ehrental, dated February 13, 2001, was filed.

Director of Community and Economic Development Ehrental made the staff report and enumerated the staff recommendation as follows: assignment of the development agreement and requirements for the Business Park; a revised completion date for Sports Park; proposed expansion of the Business Park use and elimination of light manufacturing; and the proposed reduction of fill for the Business Park. She then responded from questions from Council.

Council Member Hilson said he was concerned about the date change for the Sports Park and wanted a penalty clause to be triggered if it was delayed. He thought a date should be determined. He asked for further clarification of the parking on ground level.

City Manager Armas commented that there are already sanctions if there is a delay in the building of the Sports Park. Part of the change in the timing for the Sports Park are the requirements for the traffic improvements regarding the importation of fill from the quarry and the wish to reduce the quantity of fill for the proposed Business Park. He said they did not want to begin moving the fill without every requirement in place.

Council Member Ward commented on the additional increase in traffic with the additional increase in square footage. He asked whether this would need further environmental analysis.

Daniel Levin, Senior Vice President of Glenborough Realty Trust, responded to various questions and mentioned that this as a conceptual design. He said they are equally committed to the Sports Park and understand their position in fulfilling this requirement. He described the



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concept that they have developed regarding the underground parking. He noted that less fill would be required with their proposal. He indicated that they were willing to work with the Council and staff in the proposed revisions and are fully committed to the extent of the development agreement. He then projected and described his illustrations of the design. He responded to further questions from members of Council.

Council Member Ward said the project is intriguing. However, he noted that the site is in the flood plain so would there be approvals from FEMA. He then asked about the market conditions and whether this use would be supported in the current marketplace.

Mr. Levin agreed that they would need approval for reinforcing the levees on the perimeter on the property. He said this project was envisioned as an office site. He suggested that the market is now in a rational correction. He said the site is large enough to create a true sense of mass and presence.

Council Member Hilson spoke favorably on the revision to eliminate the light manufacturing for a larger campus-type Business Park. He asked about parking at grade level and the design.

Council Member Jimenez asked about other project with which Glenborough is involved. He was told about several in the Bay Area, both San Mateo and Redwood City, as well as another near Boston, and about 800 acres outside the Denver airport.

Mayor Cooper opened the public hearing at 9:11 p.m.

Ron Barklow, 1210 Tiegen Drive, expressed concerns regarding earthquake liquefaction on the site, parking in the garage, as well as buildings higher than six stories in this area. He said he would not want it to look like the San Francisco Embarcadero freeway. He commented that the Alameda County Flood Control expressed concern about working on those levees. He suggested the need to review previous concerns and consult with flood control before taking the project any farther.

Jason Moreno, 25200 Carlos Bee Boulevard, discussed the burden of development on the City of Hayward. He suggested that developers be required to provide energy sources for any newly built buildings other than what is conventional.

Mayor Cooper closed the public hearing at 9:15 p.m.

Council Member Ward qualified his motion by emphasizing that this is merely approval of a conceptual plan. He added that this is an exciting concept and an excellent proposal.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried unanimously with Council Member Henson absent, to approve the following:

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Resolution 01-026, "Authorizing the City Manager to Negotiate and Execute an Assignment and Assumption Agreement with Glenborough Realty Trust Providing for the Transfer of Rights and Obligations Contained in the Mount Eden Business and Sports Park Development Agreement (Agreement) Between the City of Hayward and Oliver Trust"

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned at 9:16 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward